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ABSTRACT

Examined in this report are problems connected with school desegregation. Particular attention is given to the fact that, while many rural schools have been successfully desegregated in the past decade, the majority of blacks and Hispanics who live in large cities remain in racially isolated schools. Causes and feasibility of metropolitan school desegregation are discussed. Findings indicate that excessive busing and loss of local control are not necessarily indicated by desegregation plans. Benefits of desegregation are identified as socioeconomic integration, neighborhood stability, increased learning opportunities, and balanced class size. Alternatives to urban school desegregation are listed and Federal Court rulings are discussed. Implementation methods for various metropolitan desegregation plans are examined and the role of the State in implementation is discussed at length. Recommendations include: (1) creation of a metropolitan-wide school district; (2) consolidation and reorganization of school districts; (3) inter-district student transfers; and (4) shared services. Examples of several urban desegregation programs are provided. Special task force recommendations are listed and applicable laws are appended. (WI)

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METROPOLITAN SCHOOL DESEGREGATION

A Report and Recommendations of the National Task Force on Desegregation Strategies

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on Desegregation Strategies

March, 1979

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The National Task Force on Desegregation Strategies is the policy-making arm of the National Project and Task Force on Desegregation Strategies. The aim of both the project and task force is to stimulate interest at the state level in school desegregation, and to help states find ways to exercise effective leadership in promoting equal educational opportunity.

The National Task Force on Desegregation Strategies is charged with the responsibility of identifying issues for study and of proposing policies for state use.

This report was prepared for the task force by Mary Rashman, Research Associate, National Project and Task Force on Desegregation Strategies, to aid the task force in considering the issue of metropolitan school desegregation. The recommendations are those of the task force and do not necessarily represent the views of its sponsoring or funding agencies.

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Mary Rashman

March, 1979

FOREWORD

After consideration of the Report on Metropolitan School Desegregation prepared by Mary Rashman, the National Task Force on Desegregation Strategies unanimously adopted a series of Recommendations. The Recommendations reflect the group's consensus that metropolitan approaches to school desegregation can in many instances contribute a great deal to the achievement of equal educational opportunity for all children.

In adopting its Recommendations, the Task Force did not attempt to follow the organization of the Report; nor did it limit itself to the specific strategies discussed therein. The Recommendations draw from the Report, but at the same time, they incorporate the independent views of the Task Force members.

Francis Keppel
Chairperson
National Task Force on
Desegregation Strategies

March, 1979

REPORT

I. Dimensions of the Problem

In 1977, the United States Civil Rights Commission reported that,

> ...While many minority students in rural communities, towns and smaller cities have been enrolled in desegregated schools during the past decade, the great majority of Black and Hispanic american children who live in large cities remain in racially isolated public schools.[1]

In the 26 largest cities, said the Commission, three out of four black pupils are assigned to intensely segregated (defined as 90 to 100 percent minority) schools. Moreover, many blacks and Hispanic americans live in the nation's largest cities. The 1970 census reported that 58.2% of all blacks live in central cities, 36% in the cities of the 26 largest standard metropolitan statistical areas (SMSA's); 50% of all Hispanic americans live in central cities, 27% in the 26 largest SMSA's.

Many central cities are themselves intensely segregated, and their school enrollments even more so. For example, Atlanta and Wilmington have school enrollments which are over 80% black; Richmond and Baltimore are more than 70% black, Cleveland and St. Louis about 60%. When Hispanic americans are included in the count, Chicago and Detroit are more than 70% minority, New York and Philadelphia over 60%, Los Angeles more than 50%. At the same time, the typical suburban district is over 90% white.[2]

The simple demographic fact is that many large city school districts cannot desegregate by themselves. For children who attend school in such districts, the best hope for attending a desegregated school lies in the implementation of metropolitan school desegregation strategies - i.e., desegregation plans which do not stop at the city line, but rather encompass at least some of the surrounding suburban areas. This paper will explore the desirability and feasibility of such plans, review

federal court rulings on the subject and explore some of the actions states can take to promote metropolitan school desegregation.

II. Causes of the Problem

The intense segregation in some of our central cities is due partly to two population migrations of the 1940's, 1950's and 1960's: the first, a migration of black and Hispanic americans to large cities, and the second, a migration of many whites from the central cities to the surrounding suburbs. Segregated schools are in large part the product of segregated housing patterns. Most authorities agree, however, that segregated housing patterns are not the result of purely personal preferences, accidental or even economic factors. The evidence suggests that segregated housing patterns are to a great extent the result of racial discrimination, and that federal, state and local governments bear a significant share of responsibility for such discrimination.

For example, the Federal Housing Administration's mortgage insurance programs were an important factor in fostering the growth of the white suburbs. FHA programs, by guaranteeing loans, made it possible to purchase suburban homes with low down payments and low interest rates. FHA policy manuals openly cautioned developers to guard against "infiltration of inharmonious racial or nationality groups."[3] The FHA also wrote the first restrictive covenants and urged their enforcement (until such covenants were declared unconstitutional by the United States Supreme Court). Later, U.S. government public housing policies discriminated in the selection of sites and assignment of tenants. State courts enforced restrictive covenants and local zoning ordinances. State agencies regulating real estate practice implicated themselves by including in the

codes of ethnics which governed real estate practice, provisions favoring homogeneous neighborhoods.

Nor can segregated housing patterns be explained by income differences. Demographer Reynolds Farley has calculated that on the basis of income, 43% of all black families in the New York City metropolitan area should live in the suburbs, instead of the 17% who do. Forty-six percent of the blacks who live in the Chicago metropolitan area should live in the suburbs, instead of the 8% who do.[4] Demographer Karl Taeuber estimates that no more than 20-25% of the racial segregation which exists in the metropolitan areas is attributable to economic factors.[5]

Nor is housing segregation a matter of personal choice. Surveys show that most blacks express a preference for living in integrated neighborhoods.[6] A recent survey of 40 cities, undertaken for the Department of Housing and Urban Development, concluded that significant discrimination against blacks still exists in both buyer and renter markets, and that such discrimination has the effect of discouraging blacks from trying to buy or rent in certain neighborhoods.[7]

The U.S. Civil Rights Commission summed it up as follows:

> The concentration of blacks is not, to any significant degree, the result of individual choice or even income differences among the races. Rather, such segregation has come about because of the discriminatory practices of important institutions in our society, practices which government has tolerated, fostered, and in some instances mandated.[8]

III. Objections to Metropolitan School Desegregation

In many large metropolitan areas, the only demographically possible way to desegregate city and suburban schools is by school desegregation

which is free from the constraints imposed by arbitrary political boundary lines. Yet the opposition to metropolitan school desegregation plans has been vehement. A number of objections have been raised. The major ones fall into four categories: 1) that metropolitan school desegregation plans are administratively unfeasible; 2) that such plans require excessive busing; 3) that "massive busing" leads to white flight; and 4) that metropolitan school desegregation plans result in a loss of local control over education.[9]

a. Metropolitan school desegregation is feasible.

Although impossible administrative and fiscal problems were among the specters raised by the Supreme Court in Milliken v. Bradley,[10] when it refused to order a metropolitan school desegregation plan for Detroit in 1974, experience suggests that metropolitan desegregation is feasible.[11] In many states, particularly those in the south and west, school districts have long been organized by county. Such county-wide organization has been found to be cost efficient.[12] Frequently, such districts include a central city and surrounding suburban area. Consequently, the school desegregation experience by such districts in recent years has been metropolitan school desegregation. Notable examples are Charlotte-Mecklenburg, North Carolina, Tampa-Hillsborough and other Florida counties, and Nashville-Davidson, Tennessee.[13]

In forty-eight states, there exist established procedures for school district reorganization through consolidation, annexation or merger. In the past forty years, these procedures have been employed to drastically reduce the number of school districts in this country.[14] Between 1932 and 1972, more than 86% of the nation's school districts were eliminated.[15]

The fact that such reorganization has occurred means that states have experience in dealing with the problems created by reorganization, such as adjustments of tax rates, redistribution of district debts, transfer of title to school property, teacher reassignments, selection of superintendents and reconstitution of school boards.[16] Although these procedures were developed in order to facilitate consolidation of small rural districts, they could serve equally well in the context of consolidating urban and suburban areas for purposes of school desegregation. In the Wilmington, Delaware school desegregation case, for example, the federal court was able to rely almost exclusively on existing state laws to address the problems posed by the consolidation of school districts.[17] Moreover, a great deal of inter-district cooperation can be accomplished simply by removing the constraint of the political boundary line, without altering the legal organization of the district (see discussion pp. 17-19, infra).

Currently, metropolitan solutions to such problems as public transportation, recreation, water use and sewage treatment are common. Moreover, school district lines are frequently crossed for educational purposes - for example, the provision of special services for the handicapped. In an era of low birth rates, declining enrollments and high costs, metropolitan desegregation may be more than feasible. By avoiding wasteful duplication of services among adjacent districts and eliminating situations in which an empty school is closed in one district while nearby another school is overcrowded, metropolitan school desegregation can confer a positive economic benefit on the area.[18]

b. Metropolitan school desegregation need not involve excessive busing.

Although many of the fears voiced about metropolitan school desegregation involve busing, there is little basis in fact to justify the intense concern over this issue. The U.S. Civil Rights Commission has documented the following facts: 1) a large percentage of American children rides buses to school; 2) only a small percentage of such busing is for school desegregation purposes; 3) the safest method of transporting children to school is by bus, and 4) transportation accounts for only a small proportion of most school districts' budgets.[19]

Rather than increasing the amount of busing required, there is evidence that metropolitan school desegregation plans have in some cases actually decreased it. Although many of the substantial decreases in busing distances have been due to the ending of overlapping black and white bus systems in southern districts, declines in busing times are possible elsewhere.[20] This is because of two demographic phenomena. First, concentrations of minority group populations are often located closer to concentrations of white populations in the suburbs than they are to white concentrations in the city. A school desegregation plan drawing students from neighborhoods in close proximity to one another obviously requires less pupil transportation than a plan drawing students from neighborhoods at opposite ends of the city. Second, schools in suburban communities surrounding medium-sized cities are often located near the city line, where the highest concentrations of population are found. This means that the distance from them is relatively short for students living in minority group concentrations located near the city boundary. Thus, pairing minority schools in Hartford, Connecticut with

suburban schools from surrounding communities, for example, would result in much shorter distances than trying to desegregate within the Hartford city limits. In some cases, the phenomena described above may make it possible to desegregate portions of the school district without any busing at all, once the constraint of a political boundary line is removed. By contrast, some city-wide school desegregation plans call for busing students over bizarre routes, or across natural boundaries.

c. Metropolitan desegregation plans are stable.

"Although there has been an intense debate about the causes of white flight from the central city school systems, all sides of that controversy agree that maintenance of the neighborhood school system has not stabilized enrollments and that central cities with large minority enrollments lose whites rapidly even if they do nothing to integrate their schools."[21] Those county-wide districts which have undergone desegregation appear, by contrast, to be more stable.[22] In Charlotte-Mecklenburg, Tampa-Hillsborough and Nashville-Davidson, for example, after some initial loss of white children to private schools, many of these pupils returned to the public school system. Since the extent to which desegregation contributes to white flight has not been finally determined, it makes sense to plan so as to minimize the possibility that the schools themselves will serve as an incentive to such flight. If suburban, as well as city, schools are desegregated, no incentive will exist for white parents to flee city school districts in order to live in districts where the schools are predominantly white. In fact, metropolitan school desegregation can actually contribute to maintaining integrated neighborhoods by exempting

such neighborhoods from the desegregation plan (see discussion p. 11, infra).

d. Metropolitan desegregation plans need not result in a loss of local control over education.

The existing balance between state and local responsibility for education need not be disturbed by a metropolitan school desegregation plan. Even where metropolitanization is accomplished by consolidation of school districts, the major responsibility of the metropolitan school authorities would be to assign children in a nondiscriminatory manner. There is no need to centralize authority over other matters. For example, in the proposed plan for Richmond, Virginia, a consolidated district would have been divided into subdivisions, each with authority to hire faculty and administrators, and to make decisions about curriculum and allocation of budget.[23] Similarly, a plan proposed for the Chicago metropolitan area by Robert Havighurst provided for a single, six-county taxing unit, with authority to plan, to construct schools and to certify teachers. The district would have been divided so that local community school boards could administer schools, establish teacher salaries, and largely determine curriculum. In addition, the Havighurst plan allowed the local boards supplemental taxing power to raise money for special programs.[24]

Some fears about loss of local control stem from a basic misconception about the nature of metropolitan desegregation - i.e., that it necessarily entails the consolidation of districts into a single large school district serving the entire metropolitan area.[25] As we will see later (see discussion pp. 17-19, infra), metropolitan desegregation may take a number of different forms. Its essential character is the removal of the constraint of political boundary lines in planning for desegregation.[26] For example, in the Richmond

case referred to above, each of the seven new districts proposed would have been smaller than any of the three existing districts.[27] Some observers believe that metropolitan desegregation presents a rare opportunity to create smaller, more manageable school districts.[28]

IV. Advantages of Metropolitan School Desegregation Plans

In addition to the primary advantage of metropolitan school desegregation, i.e., that it promises to accomplish the task at hand, there are a number of other advantages to a metropolitan, as distinct from a city-wide, school desegregation plan.

a. Metropolitan school desegregation plans can make possible socioeconomic, as well as racial, integration, and can facilitate significant, rather than token, desegregation.

In many metropolitan areas, socioeconomic desegregation is as impossible to attain within the city limits as is racial integration. Yet research indicates that the achievement levels of students in schools with high concentrations of poor children (regardless of race) is uniformally low.[29] Therefore, "...desegregation plans which do not reduce the number of inner city type schools or which actually increase their number will contribute little or nothing toward the academic goals of desegregation."[30] By contrast, metropolitan plans tend to create a socioeconomically as well as racially heterogeneous student body. Some studies suggest that such a mix may provide a better learning environment for those minority youngsters who are not presently achieving adequately, while at the same time maintaining or improving the chances of middle-status students whose present achievement level is satisfactory.[31] Thus metropolitan desegregation, because it maximizes the possibilities of intergroup contact, increases the chances for successful desegregation and the attainment of real integration.

Moreover, it seems that many parents perceive that socioeconomic integration has beneficial educational effects. Experiments in voluntary cross-district programs in Boston, Hartford, and Rochester support this conclusion. To the extent that the program has parental support, the prospects for its stability and its success are of course increased.[32]

A related benefit from metropolitan, as opposed to intra-district desegregation plans, is the availability of substantial proportions of both majority and minority students. Many suburbs have too few minority group students to have a significant percentage of minority students within the school. Yet researchers such as Charles Willie believe that there is a "critical mass" (i.e., a minimum percentage of minority group students in a desegregated school) without which desegregation will fail. Metropolitan desegregation, by providing a larger population base, can aid the cause of effective desegregation in this respect too.[33]

b. Metropolitan desegregation plans can increase neighborhood stability.

In Swann v. Charlotte-Mecklenburg, the Supreme Court recognized that the location of schools could have an impact on residential patterns. The court said,

> 'The location of schools may... influence the patterns of residential development of a metropolitan area and have important impact on composition of inner-city neighborhoods.'[34]

Other observers have made the same point. Metropolitan school desegregation plans which promise both racial and socioeconomic integration can provide the base on which to build a stable, integrated metropolitan community. Such disincentive to live in the city which presently results

from the poor quality of some city schools would be removed, and an incentive to live in integrated neighborhoods can be provided. Some scholars have suggested that exceptions from metropolitan desegregation plans could be granted for stable, integrated neighborhoods, thus creating an incentive for intergroup living.[35]

There is some evidence to support these theories. Sacramento, California, one of the first cities to desegregate, has experienced a major decline in residential segregation. Riverside, California, which desegregated in the mid-1960's, has experienced the phenomenon of families moving to the attendance zones to which their children were bused. One school in Evanston, Illinois, to which black children were bused, has now become integrated through changes in residential patterns.[36] By allowing residentially integrated areas to use local schools and avoid busing, real incentives for changing metropolitan housing patterns could be provided.[37]

c. Metropolitan plans can distribute the burdens of desegregation more equitably.

One of the continuing criticisms of many intra-district desegregation plans is that they place too much burden on those whose constitutional rights have been violated. Thus in some cases, minority youngsters have been bused great distances, when predominantly majority schools exist just across a political boundary line, untouched by desegregation. Metropolitan plans can reduce such inequities.[38]

d. Metropolitan desegregation plans can provide all students with learning opportunities which only a central city can provide.

The business, cultural and governmental institutions of the central city provide learning resources which otherwise are unavailable to suburban students. Especially at the secondary school level, specialized cultural

and occupational programs can be provided efficiently in the city which outmatch any such programs which can be provided in the suburbs. Indeed these strengths of the city frequently are weaknesses in suburban schools now. The chances in cities for magnet schools and for pairings between schools and businesses, cultural institutions and institutions of higher education can offer improved opportunities for suburban students.

e. Metropolitan desegregation plans can ease declining enrollment and overcrowding problems.

Some suburbs, as well as some cities, face declining school enrollments. This phenomenon results in closing schools, particularly older schools in the central city. At the same time, other city schools are overcrowded. A metropolitan approach to desegregation would allow for greater flexibility in dealing with these problems. The savings resulting from more efficient classroom use, coupled with potential savings from more efficient transportation plans (due to the elimination of the constraint of the political boundary line,) should appeal to everyone concerned with the problems of school finance.

V. Alternatives to Metropolitan School Desegregation

Some argue that we should forget about desegregation and concentrate on improving the quality of those city schools which are presently not adequately educating their students. This argument overlooks the fact that improvement in academic achievement is not the sole, nor perhaps even the most important, reason for desegregation. In a multicultural society, the only truly effective education, for both minority and majority group children, is an integrated education. Not only is an integrated education necessary to allow all children to learn to function competently as adults in a multicultural society; the ability of persons from diverse

groups to work together in an atmosphere of mutual respect is essential to the preservation of our society. Thus, while we must strive to achieve the best education possible for all children, regardless of the racial or socioeconomic composition of the school, our goal must be an integrated educational experience for all children.

A second school of thought, conceding the necessity for integration, argues that it can best be accomplished by residential integration. Although many seem to believe that housing segregation is declining, the facts do not support this belief. The decline, if any, in residential segregation during the 1960's and 1970's, has been barely perceptible.[39] Between 1960 and 1974, the proportion of blacks in the nation's suburbs rose only from 4.8% to 5%.[40] Moreover, with some exceptions, this slow movement of blacks into suburbs has resulted less in the integration of the suburbs than in "the establishment of a few suburban black enclaves."[41] Serious problems of segregated schools are developing in a number of areas where suburbanization of blacks has been channeled.

Nor is there much reason to hope that federal action against housing segregation will have a significant impact in the near future. Only a tiny portion of the nation's housing supply is in the public sector and therefore subject to federal controls. Most of the market is operated by the private housing industry, a group notorious for its opposition to integration. Unfortunately, the conversion of federal housing programs to block grants, with few strings attached, means that even federal programs will reflect the attitudes prevailing in the private market. Chances for significant improvements due to stricter enforcement of federal fair housing laws under these circumstances are small.[42]

A related argument is that a rise in income for blacks and other minority groups would result in more movement to the suburbs by these groups and consequently more housing integration. We have seen, however, that existing patterns of residential segregation cannot be explained by differences in income. Therefore, housing patterns are not likely to change as a result of even substantial gains in income for blacks and other minorities. In sum, segregated residential patterns are not likely to be undone in the near future.[43] Although every effort should be made to remedy housing segregation, we cannot expect such changes to affect the current generation of school children.

VI. Federal Court Rulings on Metropolitan School Desegregation

The Supreme Court's decision in Milliken v. Bradley,[44] rejecting a metropolitan remedy for the Detroit area, is widely considered to have been a set back for metropolitan school desegregation. Employing the traditional equity doctrine that the scope of the remedy must fit the scope of the violation, the court ruled that in the absence of a finding of segregative practices by the suburban districts, or of actions on the part of state officials which contributed to segregation in the suburbs, there was no basis for including the surrounding suburbs in the remedy for school desegregation in the city of Detroit.

The Supreme Court's decision in Milliken has been heavily critized. Social scientists have taken exception to Mr. Justice Stewart's comment in a concurring opinion that desegregation in the Detroit metropolitan area was caused by "unknown and perhaps unknowable factors". Even under the stricter standards for proof of intent to segregate which have been developed

by the Supreme Court in recent cases, many social scientists would argue that intent to create conditions of metropolitan isolation is susceptible to proof by social science evidence.[45] Moreover, we have seen that two of the court's other arguments - that metropolitan school desegregation poses insurmountable administrative problems and that it requires massive busing - have little or no basis in fact.

Milliken did not completely foreclose the possibility of metropolitan relief for school segregation, however. The majority stated that an inter-district remedy might be justified if, "'[t]here has been a constitutional violation within one district that produced a significant segregative effect in another district'; or if it were shown that State officials 'had contributed to the separation of the races... by purposeful racially discriminatory use of state housing or zoning laws.'"[46] These tests have been met in subsequent cases involving Wilmington, Delaware and Indianapolis, Indiana.

In the Wilmington case,[47] a three-judge U.S. District Court had, prior to Milliken, found a violation justifying inter-district relief in the passage of a state statute authorizing reorganization of school districts but excluding predominantly black Wilmington from the statute's coverage. Following Milliken, the district court reaffirmed its finding of violations justifying inter-district relief. Similarly, in Indianapolis,[48] a U.S. District Court, after a remand by the Supreme Court for reconsideration in light of Milliken, reaffirmed earlier findings of metropolitan violations. The two major violations were 1) the creation of a metropolitan government (Uni-Gov) which excluded schools, and 2) the location of public housing exclusively within the city. In a third case, the U.S. Court of Appeals for the Sixth

Circuit approved an interdistrict remedy for Louisville and Jefferson County, Kentucky,[49] because it found that both the city and county had contributed to maintaining segregation. The Louisville and Jefferson County schools merged "voluntarily" following that ruling.

These cases indicate that the Milliken standard can be met. Moreover, although Milliken I may have been welcomed by some states as a signal that they would not be compelled to move towards further desegregation, Milliken II[50] made it clear that the states would be held responsible, by requiring Michigan to establish remedial educational programs to overcome the effects of segregation. In Milliken II, the Supreme Court approved lower court orders requiring the inclusion of remedial educational programs in the decree, and placed responsibility for half the cost of those programs on the state defendants.

Thus, despite disappointment on the part of some proponents of metropolitan remedies with the Milliken I decision, later decisions in Wilmington, Indianapolis and Louisville indicate that the issue is far from settled in the courts. Milliken I is an indication, however, that those who favor metropolitan school desegregation would do well to look to other branches of the federal government or to the states for help in initiating such plans.

VII. Implementation of Metropolitan School Desegregation

a. Conditions for successful metropolitan school desegregation.

Like any type of desegregation plan, metropolitan school desegregation programs will succeed in providing equal access to high quality education only if they occur under the right conditions. These include the following:[51]

1. The metropolitan school desegregation plan should maximize

individual choice and allow the greatest amount of parental involvement possible.

2. The plan must be perceived as imposing an equal burden on blacks, other minorities and whites.

3. The plan must be perceived as offering a real promise of educational benefits to blacks, other minorities and whites. There are a number of aspects to this principle. For example:

a. Black and other minority children should not be resegregated in special classes within the "integrated" school, or discriminated against in extra-curricular activities or in the administration of discipline.

b. Teaching staffs of all schools should include black, other minority, and white role models, and the curriculum should reflect an awareness of black and other minority group history and culture.

4. The desegregation plan should be presented as clearly inevitable; it should continue over a period of years, and it should create a socio-economic as well as a racial mix.

5. The plan should be coordinated with a simultaneous attack on housing segregation.

6. The plan should have the support and involvement of all levels of government and of the community groups, such as parent groups, church groups, business and industry groups, taxpayer groups and the media.

b. Types of metropolitan school desegregation.

There are a number of different forms which metropolitan school desegregation plans can take.[52] All of them have in common, however, the

elimination of the political boundary line as an obstacle to a rational school desegregation plan.

1. The metropolitan or federated school approach. This approach is an outgrowth of the metropolitan government movement. It involves a regional government, which functions as a single taxing unit. Most such regional governments have not yet undertaken educational planning, but there is no reason why they could not do so.

2. Consolidation. Consolidation is a process provided for under most state laws. As stated earlier, this technique has been used over the past forty years to drastically reduce the number of school districts in this country. Examples related to desegregation include the Wilmington, Delaware case, where the federal court ordered the consolidation of Wilmington with the surrounding New Castle County, and the Louisville, Kentucky case, in which the Jefferson County schools were consolidated with the Louisville school system.

3. Interdistrict Transfers. These have been used in voluntary, one-way busing programs in Boston, Hartford, and Rochester, with uniformally positive results, although the number of students involved has been relatively small. Financial incentives for such programs, such as those provided by Wisconsin's legislation (see section on State Role below) can give an added impetus to such programs. One disadvantage to such programs is that if the taxing structure remains the same, some parents will pay taxes in one district while their children attend school in another.

4. Shared Services. This approach is already in use in some areas where school districts contract among themselves so that one district provides the school for the handicapped, another for the gifted, etc.

This could be done, for example, for magnet schools, or districts could simply contract for the transfer of pupils.

Many of the fears surrounding metropolitan desegregation stem from the idea of a single large school district, which, it is feared, would result in a loss of local control over education. As stated earlier, this need not necessarily be the case. Metropolitan desegregation simply means that the constraints created by political boundary lines are removed.[53] Beyond that, there are a number of different forms of organization which a metropolitan plan can take. None of those forms need result in a loss of local control over education, although the state government, and perhaps an intermediate governing unit, such as a county board, will have to exercise some authority. Since states are sometimes able to exercise a more impartial view than localities, this may be a beneficial result.[54]

VIII. Options for State Role

a. State Role

Although the states have most often left it to the federal government to initiate school desegregation, education is a responsibility which is primarily committed to the states by federal and state constitutions. As mentioned earlier (see discussion p. 16, supra), the Supreme Court recognized this state responsibility in Milliken II by requiring the state of Michigan to fashion remedial programs to overcome the effects of segregation and to share in the costs of such programs. Increasingly, federal courts are including similar provisions in their orders. For example, in Cleveland[55] and Columbus,[56] state defendants have been held liable, along with local officials, for segregated conditions. Such liability findings mean that

the state can be held liable for its share of the costs of desegregation as well. Although neither of these cases involved a metropolitan remedy, the same principle was applied in the Wilmington case (see discussion p. 15, supra), where the judge ordered the state to provide funds for educational programs as part of a metropolitan desegregation plan.

It is appropriate that states should be drawn into planning for metropolitan desegregation, because of the state's role with respect to school funding and because the state is the only repository of multi-district administrative experience available.[57] Moreover, state governments which have large metropolitan areas with declining central cities need to consider the consequences of such a pattern for state aid. Among the alternatives are the following: 1) that the state will have to pay out continually larger amounts of state aid to the central cities; 2) that school services will have to be cut back, or 3) that resources will be drawn from the entire metropolitan area, including the suburbs.[58] In other words, the states may have a real financial stake in metropolitanism.[59]

b. Tools

The tools available to state officials to implement a metropolitan school desegregation policy are the powers and duties inherent in the offices of governor, chief state school officer, state board of education, state education agency and the state legislature. For example, the following is a brief listing of some of the options available to various state officials with respect to metropolitan school desegregation strategies:

1. The State Board of Education could
    a. Adopt a state-wide plan which includes metropolitan school desegregation strategies.

b. Adopt policy statements or resolutions in favor of metropolitan school desegregation.

c. Set standards for desegregation which reflect state-wide or metropolitan-wide population composition.

d. Make metropolitan school desegregation a top priority goal of the state board.

e. Pass regulations or guidelines setting up mechanisms for voluntary cooperation among school districts or requiring inter-district cooperation.

f. Intervene in litigation or administrative proceedings to seek metropolitan school desegregation remedies.

2. The Governor could

a. Make recommendations to the legislature supporting legislation to encourage or require metropolitan school desegregation.

b. Issue executive orders designed to further metropolitan planning for school desegregation.

c. Facilitate coordination of housing and school agencies to simultaneously attack housing and school segregation.

3. The State Legislature could pass legislation

a. Committing the state to a policy of metropolitan school desegregation.

b. Defining acceptable desegregation on a state-wide or metropolitan-wide basis.

c. Authorizing the state education agency to compel implementation of metropolitan school desegregation plans by giving the agency a right to sue or to withhold state funds from non-complying districts or metropolitan areas.

d. Funding

(1) Financial incentive plans to encourage inter-district cooperation.

(2) Metropolitan-wide magnet school programs.

(3) Transportation for metropolitan school desegregation.

(4) Innovative programs to promote quality education in desegregated schools with populations drawn from the metropolitan area.

e. Requiring school districts in metropolitan areas to utilize empty classrooms to further desegregation and requiring impact statements on school closings.

f. Facilitating school district reorganization, consolidation, and contractual arrangements for shared services or inter-district transfers.

g. Changing teacher and administrator certification requirements to reflect the demands that would be placed on educators as a result of metropolitan desegregation.

4. The Chief State School Officer could

a. Provide leadership for the state education agency in vigorously implementing the state's metropolitan school desegregation policy.

b. Educate the public about the metropolitan school desegregation policy through public statements; work with a metropolitan parent group to educate and learn from parents.

c. Work with state-wide teacher groups, administrators and local school boards to educate them about the metropolitan school desegregation policy.

d. Initiate on-going relationships with community organizations which support desegregation.

5. The State Education Agency could

a. Vigorously enforce state legislation and state board of education policies and rules by monitoring the progress of the local districts and metropolitan areas and by using all of the authority available by statute or rule to encourage or compel compliance with state standards.

b. Provide technical assistance to localities or metropolitan areas in the adoption and implementation of local (i.e., including metropolitan) school desegregation plans.

Some of the specific techniques for implementing metropolitan school desegregation were outlined in an earlier section of this paper. They include (1) creation of a metropolitan-wide school district; (2) consolidation and reorganization of school districts; (3) inter-district student transfers, and (4) shared services. A particular state plan might utilize one or more of these techniques. Moreover, a particular state plan might utilize

exclusively voluntary programs, mandatory programs, or some combination of the two. The Illinois desegregation rules, for example, allow for voluntary desegregation plans, but require back-up provisions to assure desegregation if the voluntary measures fail to achieve it.

c. Examples

This section will briefly describe those few metropolitan school desegregation programs in existence, and some proposals which have been made by various state officials and academic researchers.

1. Massachusetts' Experience: METCO, Magnets and the Daly-Sullivan Bill.

METCO (the Metropolitan Council for Educational Opportunity), which operates in Boston and about 40 of its surrounding suburbs, is one of the three well established voluntary inter-district transfer programs. The others are Project US (Urban-Suburban) in Rochester, New York, and Project Concern, in Hartford, Connecticut. Although the three programs differ slightly (primarily in terms of their sources of financial support), METCO is representative and perhaps most relevant, because it is state supported.

METCO has been in existence for over 10 years. It came about initially as the result of voluntary cooperation between black Boston parents and supportive whites in a few suburban districts. METCO is a voluntary, urban-suburban transfer program, which today involves over 3,000 children. METCO has been state funded since its inception. Presently, the state picks up the tab for the receiving district's actual incremental costs of educating the non-resident transfer student - e.g., adding two METCO students to a class of 21 does not create incremental costs of instruction, except for materials and transportation, which the state pays in full.[60]

Through a process of state board approval of local district plans, the state board enforces its standards for equal educational opportunity. The Bureau of Equal Educational Opportunity within the state education department serves as the agent of the state board to monitor each METCO program, to assure that the activities and expenditures undertaken conform with the state board approved local plan. Despite the relatively small number of children involved, METCO, and its two sister programs in New York and Connecticut, are generally considered successful. At a minimum, they provide a valuable "ice breaker" for future metropolitan programs.[61]

About 3,700 students from both Boston and the suburbs were involved in the past school year in voluntary magnet programs at so-called "neutral" sites. Parents and students select these programs for their educational attractiveness, but all such schools also serve the needs of desegregation. A long term hope of Massachusetts state officials is that magnet schools in Boston and other Massachusetts cities will draw white suburban students back into the city, thus balancing the one-way urban-suburban character of METCO. Large cities have obvious advantages for developing specialized high school's - e.g., their close proximity to business, governmental and cultural institutions, and the availability of large scale university-school pairings.[62]

A key component in both METCO and the magnet programs is state financial support. In 1974, an amendment to the state's Racial Imbalance Act (Ch. 636), provided a mechanism for funding both the METCO and magnet programs. Funding under the "magnet educational program" section of Ch. 636 is available for METCO; funding under the "magnet school facility" section of the act is available to meet the incremental costs of educating a student at a magnet

(as opposed to non-magnet) school, the full cost of transporting students and up to 75% of construction costs. In the 1977-78 school year, the state spent a total of $24 million on desegregation activities, including the METCO and magnet school programs.

In 1974, legislation known as the Daly-Sullivan bill was proposed (and defeated) in Massachusetts. The bill would have required any community within a 20 mile radius of a city, and with a median income above the average income in the Standard Metropolitan Statistical Area, to make available 10% of its school seats to city children, black and white, to the extent that such seats are available. The state would have been responsible for picking up the tab for the incremental costs of this education, support services and transportation costs of the program. Although it was defeated, the bill seems a sensible scheme for dealing with two problems at once. By utilizing empty suburban seats, it would ease declining enrollment problems for suburban schools (and perhaps overcrowded conditions in the city as well). At the same time, it would make available to both black and white central city children the opportunity of attending a school in an upper-middle class suburban school system.

2. Wisconsin's Financial Incentive Program.[63]

A second version of the voluntary inter-district transfer model is Wisconsin's Ch. 220 L. '75 (sometimes referred to as the Conta Act). (Appendix 1). The law has two basic provisions. First, it requires the formation of planning councils between Milwaukee and each of its surrounding suburbs. These councils must meet, but they are not required to recommend inter-district transfers. The approval of the city and suburban school boards is required before a transfer plan actually goes into effect. Individual transfers under

the program are voluntary.

The second, and more widely noted aspect of the legislation, is its provision of financial incentives for both intra- and inter-district transfers. The legislation provides that the receiving school district receives the full per pupil allocation of aid from the state. If 5% of a suburban district's enrollment consists of inter-district transfer students, its incentives are increased by an additional 20%. The sending district is allowed to continue to count students who have been transferred for state aid purposes, so there is no disincentive for them to participate. Finally, the state picks up the tab for the entire cost of transportation required for the plan. Normally, the state covers only slightly more than half of such costs.

3. Model Integration Incentive Act.[64]

John Coons and Stephen Sugarman, two professors at the University of California's law school at Berkeley, have drafted a Model Integration Incentive Act, which incorporates features of the Wisconsin and METCO plans. (Appendix 2). The Model Act was introduced into the 1977 session of the California legislature, but has not been passed.

Like the Wisconsin legislation, the model act applies to both intra- and inter-district transfers. It is designed to give financial bonuses to school districts to reward them for offering pupils an integrated education. It also gives parents the right to demand an integrated education for their children.

Under the terms of the act, a receiving school, pursuant to a plan approved by the state education agency, receives a $500 bonus for each transfer pupil. A receiving school may be a public or private school. For

inter-district transfers, the sending school must pay the tuition of the transfer student, although it continues to count the student as part of its own average daily attendance. Tuition paid by the sending school includes "within reasonable minimum and maximum distances" free transportation. The sending district also receives $500 per pupil for the number of inter-district transfers which exceeds the number of students transferring into the district. The act requires that the approved plan include provisions: a) that the receiving school provide "appropriate integrated educational experiences" (including provision for "special linguistic and cultural needs"), and b) that if there are 15 or more transfer pupils, a parental advisory body be established to recommend uses for the bonus dollars. The act also requires that all transfers have family consent.

The model act imposes an obligation on school districts to inform parents of their right to secure an integrated education for their children, and makes the parents' right to be informed enforceable in a cause of action for damages and attorneys' fees. It allows a parent to demand either an intra- or an inter-district transfer, in order to obtain an integrated education for his/her child.

The act establishes an Integration Division, as part of the state education agency, to administer the program. The Division would be responsible for approving local plans. In addition, the model act authorizes the Division to award planning grants to school districts and to fund pilot innovative efforts.

The authors of the legislation suggest three approaches which could be implemented to strengthen the bill:

a. A "preferred mix" could be established, with more money being

paid to the district, the closer its racial/ethnic ratio approaches the "ideal".

b. A minimum measure of integration could be established, which each school would have to meet before being eligible to receive any funds under the Act, or a minimum measure of integration for the district could be required, prior to any school's being eligible to receive bonuses.

c. The mix rewarded under the Act, or either of the alternatives proposed above, could be based upon state-wide racial data, so as to encourage the greatest number of inter-district transfers possible. This approach, however, would make it difficult for districts with very high concentrations of minority children to qualify for funds.

4. Nancy St. John's Plan.[65]

Just prior to the United States District Court order which instituted a plan to compel racial balance in Boston, Governor Francis Sargent had proposed a voluntary urban-suburban transfer program, which would have built upon and expanded the METCO program. The Sargent plan, which never went into effect because of the district court order, included the following elements:

a. That the sending school district pay tuition for each child in an amount equal to its own per pupil cost.

b. That the state pay the following costs:

(1) the full difference between the tuition paid by the sending district and the average per pupil costs of the receiving school.

(2) 75% of the costs of expansion necessary to accomodate minority transfer students in receiving schools with full enrollment.

(3) full transportation costs.

(4) $300,000 for information centers to inform parents of options and to recruit children for the program.

(5) a $500 "bonus" per child to the receiving school for support services.

c. That magnet schools and other programs be established to attract

white children to inner-city schools.

d. That recruitment of minority teachers and administrators be undertaken.

e. That in-service training be provided for teachers.

Nancy St. John, an authority on school desegregation problems, proposes two significant modifications to tighten the Sargent plan. First, she suggests that participation by suburban communities in the plan be mandatory rather than voluntary, and that such a requirement be enforceable through court proceedings or by withholding state funds. St. John estimates that if all suburban communities within a one-hour bus ride of the central city were made to participate, and if each district accepted minority students as up to 25%-30% of its enrollment, a large proportion of the black population in most metropolitan areas could be accommodated. She cautions, however, against allowing the critical mass of minority youngsters to fall below 10% at any one school. Second, St. John would eliminate the "bonus" payment to suburban schools for accepting minority students, but would expend a comparable amount to improve the quality of inner-city schools and to finance magnet schools in the inner city.

St. John sees two obvious drawbacks to the modified Sargent plan: (1) that blacks who transfer to suburban schools will always be in a racial minority, and (2) that the primary burden of busing will fall on the minority group children. Given the present extent of residential segregation, however, she sees no way to avoid these problems. She favors a strong magnet school program to strengthen the two-way aspect of the inter-district program by drawing white children into the city.

5. James Coleman's Financial Incentive Models.[66]

The incentive plans suggested by METCO, the Wisconsin Plan, the Model

Integration Incentive Act and by Governor Sargent and Nancy St. John do not exhaust the possibilities for financial incentive programs. James Coleman, another authority on school desegregation problems, has suggested at least two additional types:

a. A Voucher System. Assuming the existence of a voucher system for paying tuition, it would be possible to give schools or school districts incentives to desegregate, by making vouchers belonging to children whose presence works to increase desegregation redeemable for more than vouchers of children in the majority group within that school or district. The difficulty with this suggestion is of course the absence of voucher systems for paying tuition.

b. Incentives to parents. Coleman reports a proposal by John Rue, a Cincinnati school board member, that families of children who attend integrated schools be paid a bonus (either cash or some portion of college tuition based upon the number of years of attending desegregated schools) on the theory that the benefits of integrated education accrue to society as a whole, and that therefore society should bear the costs.

There are a couple of reasons for the current interest in incentive schemes: (1) a recognition that voluntary desegregation programs are likely to be successful, because of the built-in element of parental choice and the consequent commitment to their success, and (2) the post-Milliken awareness that the federal courts are not likely to compel inter-district plans except in unusual cases. On the other hand, some experts, such as Meyer Weinberg, editor of Integrateducation, believe that voluntary programs have limited potential, and that substantial desegregation will never be accomplished except by mandatory measures. Nancy St. John's proposal for

a mandatory voluntary (?) plan may represent a compromise reflecting both views. An alternative might be a voluntary plan with mandatory backup provisions, such as Illinois' desegregation guidelines suggest.

The next two proposals reflect the view that more than purely voluntary efforts will be required to accomplish metropolitan school desegregation.

6. Recommendations for Metropolitan Chicago.

In the fall of 1977, the Illinois State Board of Education appointed a Technical Assistance Committee to evaluate a plan submitted to it by the Chicago School Board pursuant to state desegregation guidelines. That committee recommended, among other things, the adoption of metropolitan school desegregation strategies for the Chicago metropolitan area. The committee, chaired by Gary Orfield, made the following recommendations:

a. That the state board develop policies and standards supporting metropolitan school desegregation strategies.

b. That legislation be adopted to compel school districts in the metropolitan area to utilize empty classrooms to further desegregation. Elements of such legislation would include:

   (1) state aid to both sending and receiving districts, including payment for related program costs.

   (2) impact statements on all proposed school closings.

c. That legislation provide for creating metropolitan-wide magnet schools in locations which would stabilize residential integration.

d. That state funding and incentives be provided for more intense cooperation among school districts and for encouragement of more voluntary efforts.

e. That the state board consider the possibility of requiring the merger of small adjacent systems to prevent resegregation.

f. That the state board amend the desegregation rules so that the state's desegregation standard more nearly reflects the racial composition of the metropolitan area as a whole.

g. That the state board seek the cooperation of HUD and local housing officials to stabilize integrated neighborhoods and to accelerate enforcement of residential desegregation.

Although recognizing that the recommendations outlined above would not solve Chicago's school integration problems, the Committee stated that such a program would be a positive first step toward metropolitan school desegregation. The Committee concluded with the following statement:

> Chicago is so far away from substantial housing integration that school desegregation offers the only chance for breaching the racial walls. In the long run, there will be little desegregation unless there is an area-wide plan with mandated reassignments. It is time for the Chicago Board of Education, officials in inner-suburban communities, civil rights organizations, and federal agencies to begin considering legal action for a metropolitan plan. The obstacles to such a plan are great, but in the long run, it is the most sensible and workable option that remains.[67]

7. Joe Cronin's Dream.[68]

In the May, 1977 issue of Phi Delta Kappan, Joseph M. Cronin, School Superintendent for Illinois, wrote that he had had a dream in which a federal judge had found the entire state of Illinois guilty of perpetuating school desegregation. (Appendix 3). Some of the evidence included the following:

a. That the Chicago Board had erected hundreds of temporary classrooms at all-black schools instead of desegregating, and had established schools at racially segregated housing projects.

b. That the Chicago Board had failed to implement a proposed plan which would have achieved some desegregation.

c. That the Chicago Board had closed some all-black schools and transferred the children to other all-black schools.

d. That despite the opening of several magnet schools, segregation had continued to increase, partly because there was no comprehensive school desegregation plan.

e. That school reorganization legislation, which had been put into effect in many downstate counties, had never been fully implemented; that a series of all-black school districts remained, some of

which lacked an adequate financial base to truly provide equal educational opportunity, and that state and county officials had failed to assume sufficient leadership in proposing mergers or consolidations.

In Cronin's dream, the federal judge had before him three models for remedy: (1) the Wilmington, Delaware precedent, in which the court ordered the city and suburbs to work together to develop a comprehensive plan, (2) a St. Louis County, Missouri case in which the judge ordered the consolidation of two white suburbs with one black suburb to form one integrated district, and (3) a model for dividing the Chicago metropolitan area into pie-shaped wedges. The judge adopted instead a township plan, with one unit superintendent for each township, and 10,000-30,000 students per district. Seven of the new townships were paired with seven of the most segregated Chicago districts.

In Cronin's dream, the first year of the plan's implementation caused less disruption than anticipated; most administrators found new jobs in the newly reorganized unit; schools that needed to be closed were, and many students were able to exercise magnet options; prominent businessmen and church leaders aided the court in implementing the plan; corporations and unions sponsored magnet schools, and universities assisted in teacher training.

Can a dream come true? The METCO and Wisconsin experiences indicate that successful voluntary inter-district cooperation is possible on a small scale. Such programs can be valuable models for successful metropolitan desegregation. Care should be taken, however, to avoid thinking of such small-scale programs as ultimate solutions to the problem of segregation in large central cities. Otherwise, such programs will become barriers to successful desegregation, rather than important intermediate steps.[69]

IX. Political Opposition to Metropolitan Solutions

No paper on metropolitan school desegregation strategies would be complete if it failed to recognize the intense political opposition to metropolitan approaches to school desegregation. This opposition comes from blacks as well as whites, and from those who favor equal educational opportunity, as well as those who are opposed.

An articulate spokesperson for those blacks who oppose metropolitan desegregation strategies is Derrick Bell, Professor of Law, Harvard University. Professor Bell makes two arguments[70] which deserve special consideration by those whites who favor metropolitan plans. One is that from the point of view of many blacks, there is no advantage in black students' being distributed throughout a metropolitan area so that they are a minority group in every school. This argument seems to express a legitimate fear of loss of the potential political strength and sense of cultural identity that would come from the existence of black majorities in inner city schools. The second, and related, argument is that the strategy of moving black students from majority-black to majority-white schools implies that majority-black schools are "bad" and that no one can gain a decent education at one of them.

Professor Bell's arguments reflect to a large extent the unhappiness of many blacks and other minorities with the way desegregation has been implemented in the past - e.g., with the disproportionate burden that has been placed upon blacks to remedy the effects of discrimination of which they have been the victims, the failure to assure that a substantial proportion of minority group students is represented in an "integrated" school (see discussion p. 9, supra), and the lack of attention that has been paid to blacks' and other minorities' cultural identity in "integrated" schools.

None of these conditions is a reason for rejecting desegregation, however. Instead, these arguments emphasize the importance of attention to equity in the desegregation process and to those conditions which will maximize the possibility of achieving true integration (see discussion pp. 16-17, supra). Two of these criticisms of desegregation - i.e., the disproportionate burden which has been placed on blacks and the failure to insure that desegregation is substantial, and not token - are in fact arguments for metropolitan desegregation, since metropolitan desegregation plans make it possible to overcome these problems. We have already seen that metropolitan school desegregation need not lead to loss of local control over the schools (see discussion pp. 10, 19, supra). Moreover, it should not be forgotten that what we are discussing is metropolitan school desegregation, and not the pros and cons of metropolitanism in general.

After noting some of the weaknesses of the urban-suburban transfer programs, such as METCO, Thomas Pettigrew, another Harvard professor, asks,

> Why then, do black parents eagerly sign up their offspring for these programs? The answer is simple. These suburban busing schemes offer one of the few options available for black parents with ambitions for better lives for their daughters and sons.[71]

Perhaps this is the best answer to Professor Bell.

White opposition to metropolitan desegregation plans is often couched in arguments about "massive busing," administrative feasibility, white flight and loss of local control over schools. As we have seen, however, none of these arguments is logically sound. At bottom, much of the white opposition to metropolitan desegregation no doubt derives from the fact that metropolitan desegregation would work -- i.e., that it would accomplish desegregation and create conditions that would be optimum for achieving

true integration and equal educational opportunity. For whites who perceive their children as being advantaged by the present unequal distribution of educational opportunity, such an outcome is a threat which inspires intense and often emotional resistance.

Desegregation touches raw nerves in the American anatomy, making us uncomfortably aware of the racial, ethnic and socioeconomic divisions within our society which run counter to our democratic political ideals. Metropolitan desegregation, because it threatens to make those ideals a reality, is an even more highly charged political issue. The fear of some blacks that they will lose the political strength and the cultural identity which they see as inherent in majority-black urban school systems, and the fear of some whites that their children will suffer, if forced to compete on an equal footing for jobs and "the good life" in this society, are evidence of the profound mistrust which exists among the diverse groups in this society. The very existence of this mistrust, in this writer's view, argues for a reorganizing of our schools which will bring children from these groups into contact with each other at an early age, under circumstances conducive to the development of mutual understanding and mutual respect.

RECOMMENDATIONS*

1. The Task Force recommends that states establish metropolitan planning councils and legislative commissions authorized to: a) assess the extent of racial isolation and inequality, b) identify and analyze state, local, federal and private policies and practices likely to cause increased isolation, and c) develop plans and make legislative recommendations which if implemented would provide accessibility to quality education. Such councils should be representative of minority and majority groups and should include parents, students, metropolitan planners, business persons, educators, public officials and other community representatives.

2. The Task Force recommends that state legislatures establish standards and assign to the state board the authority to require consolidation of school districts, where necessary, to accomplish desegregation. Such legislation should provide authorization for the state to bear an appropriate share of the costs directly associated with desegregation.

3. The Task Force recommends the establishment of state housing integration agencies, within the executive branch of state governments, with the authority to identify and make use of state policy and subsidy instruments which may be utilized to foster residential integration. Where such instruments do not exist, the housing agency should formulate and recommend state policy for the furtherance of residential integration. In addition, the Task Force recommends that states seek ways to encourage local educational agencies to use the means at their disposal to foster housing integration.

*Unanimously adopted by the National Task Force on Desegregation Strategies, November 18, 1978, New Orleans, La.

4. The Task Force recommends that each state conduct a comprehensive evaluation of the effectiveness of federal programs relating to school desegregation as they operate within that state, in order to ascertain their strengths and to determine what improvements are required to meet the needs of comprehensive state-wide desegregation planning. In addition, the Task Force recommends that states seek ways to coordinate their desegregation monitoring activities with those of the federal Office for Civil Rights.

5. The Task Force recommends that state boards or appropriate authorities require affirmative action plans for staff desegregation in each district in metropolitan areas, using as a guide the minority percentage of the relevant labor market in the metropolitan area.

6. The Task Force recommends that its sponsoring organizations, the Education Commission of the States, the Council of Chief State School Officers and the National Association of State Boards of Education, and related education agencies, plan and carry out among their constituencies an aggressive program to increase the number of integrated schools in metropolitan areas.

7. The Task Force recommends that state boards establish programs and channels of information to inform parents of their right to an integrated education and to offer parents forums for reflecting and articulating their needs concerning metropolitan desegregation.

8. The Task Force recommends that priority attention be given to efforts to increase minority participation on state boards and within state education agencies with the goal of achieving a minimum of "adequate representation" by 1981. Adequate representation means numbers sufficient to have an impact on the development of state education policy and programs

responsive to minority needs.

The following are Task Force recommended guidelines for metropolitan desegregation planning:

a) A sound metropolitan program provides significant racial, ethnic and socioeconomic diversity in the schools.

b) A sound metropolitan program provides access to educational experiences, including special linguistic and cultural experiences, equal to or better than those experiences previously available.

c) A sound metropolitan program equalizes to the greatest extent possible among participants the inconveniences associated with the implementation of the program.

d) A sound metropolitan program provides a variety of options, i.e., as to locality, types of schools and variety of programs offered.

e) A sound metropolitan program includes provisions for the assignment of students in such a manner as to insure that each group is represented in sufficient numbers as to have an impact on the total school.

f) A sound metropolitan program provides a framework for monitoring the program. The monitoring group should include representatives from the various communities in proportion to the general racial composition of those affected by the plan.

g) A sound metropolitan program requires that schools show evidence that their staffs and programs reflect racial and cultural diversity.

h) A sound metropolitan program provides for strengthening schools in the minority communities.

i) A sound metropolitan program provides a plan of incentives and opportunity for the group transferring to acquire housing in the community where the school is located.

j) A sound metropolitan program provides for demonstrations as to how each participating district is being benefited by the program.

10. The Task Force recommends that incentives such as "state tax allowances" be offered for formal programs between central city schools

and businesses, which strengthen the school curriculum and/or offer employment incentives to students.

APPENDIX 1

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. LEGISLATIVE DECLARATION. The state of Wisconsin hereby declares that it is the announced policy of the state to facilitate the transfer of students between school districts to promote cultural and racial integration in education where students and their parents desire such transfer and where schools and school districts determine that such transfers serve educational interests. The state further declares that it is a proper state expense to encourage such transfers through the provision of special aids.

SECTION 2. 20.255 (1) (fp) of the statutes is created to

read:

20.255 (1) (fp) Aid for pupil transfers. A sum sufficient for aid payments under s. 121.85.

SECTION 3. 115.28 (12) of the statutes is created to read:

115.28 (12) MINORITY GROUP PUPIL CENSUS. Establish procedures under which school districts report annually the number of minority group pupils, as defined in s. 121.85, residing in the school district and attending public schools in the district so as to be able to classify school districts under s. 121.85 (2).

SECTION 4. 119.04 of the statutes, as affected by chapter 41, laws of 1975, is amended to read:

119.04 PUBLIC INSTRUCTION LAWS APPLICABLE. Subchapter I of ch. 121 and ss. 66.03 (3) (c), 115.01 (1) and (2), 115.345, 115.76, 115.77, 115.79 to 115.94, 118.03, 118.04, 118.06, 118.07, 118.10, 118.12 (1), 118.125, 118.14, 118.15, 118.16 (1), (2) and (4) to (6), 118.18, 118.19 (7), 118.20, 118.24 (2) to (5), 118.255, 120.13 (1) and (19), 120.16 (6), 120.49 (6), 120.61, 121.52, 121.53, 121.54 (1), (3) and (4), 121.55, 121.58 (2) (b), (4) and (6), 121.77 (1), 121.79, 121.80, 121.81 (2), 121.82 (1), 121.83, 121.84 (1) and 121.85 are applicable to the board of school directors and to schools in cities of the 1st class. The board shall exercise the powers, perform the functions and be entitled to all school aid therein provided insofar as the same are relevant to cities of the 1st class. The board and the schools in cities of the 1st class shall be governed in all matters by the general laws of the state, except as altered or modified by express amendments.

SECTION 5. 121.07 (6) (am) of the statutes is created to read:

121.07 (6) (am) The amounts computed under s. 121.85 (6) (b) 2 and 3 shall not be included as operational receipts under par. (a).

SECTION 6. 121.20 of the statutes, as affected by chapter 39, laws of 1975, is amended to read:

121.20 USE OF STATE AID: EXEMPTION FROM EXECUTION. All moneys paid to a school district under s. 20.255 (1) (f), (fb), (fg), (fh) and (fp) shall be used by the school district solely for the purposes for which paid. Such moneys are exempt from execution, attachment, garnishment or process in favor of creditors, except as to claims for salaries or wages of teachers and other school employees and as to claims for school materials, supplies, fuel and current repairs.

SECTION 7. 121.85 of the statutes is created to read:

121.85 SPECIAL TRANSFER PROGRAMS. (1) DEFINITIONS. In this section:

(a) "Minority group pupil" means a pupil who is a Black American, a native American, a Spanish-surnamed American or an Oriental American.

(b) "Attandance area" means the geographical area within a school district established by the school board thereof for the purpose of designating the elementary, middle, high or other school which pupils residing within the area normally would attend.

(c) "Total cost" is the cost of operation, minus the operational receipts, plus the principal and interest payments on long-

term indebtedness and annual capital outlay, for the current school year.

(2) APPLICABILITY OF SECTION. This section applies to transfers:

(a) Interdistrict. 1. By minority group pupils who reside in an attendance area in a school district where minority group pupils constitute 30% or more of the number of pupils enrolled in the school serving that attendance area and which the pupil would normally attend, from that district to a school in a school district where minority group pupils constitute less than 30% of the number of pupils enrolled in that school.

2. By nonminority group pupils who reside in an attendance area in a school district where minority group pupils constitute less than 30% of the number of pupils enrolled in the school serving that attendance area and which the pupil would normally attend in the district, from that district to a school in a school district where minority group pupils constitute 30% or more of the number of pupils enrolled in that school.

(b) Intradistrict. 1. By minority group pupils who reside in an attendance area where minority group pupils constitute 30% or more of the number of pupils enrolled in the school serving that attendance area and which the pupil normally would attend, from that school to another school within the district where minority group pupils constitute less than 30% of the number of pupils enrolled in that school.

2. By nonminority group pupils who reside in an attendance

area where minority group pupils constitute less than 30% of the number of pupils enrolled in the school serving that attendance area and which the pupil normally would attend, from that school to another school within the district where minority group pupils constitute 30% or more of the number of pupils enrolled in that school.

(3) TRANSFER AGREEMENTS. In accordance with sub. (2) and with the approval of the parents or guardian of the pupil:

(a) Interdistrict. The school board of the district of residence and the school board of the district of attendance may enter into annual written agreements to permit a pupil to attend a public school outside the school district of residence.

(b) Intradistrict. The school board of the district may permit a pupil to attend a public school within the district which is outside the pupil's attendance area.

(4) OTHER PLANS TO REDUCE RACIAL IMBALANCE. Pupil transfers resulting from a plan implemented by the school board to reduce racial imbalance in a school district or attendance area shall be deemed to be transfer agreements under sub. (3) and shall be eligible for state aid under this section if the transfers comply with sub. (2).

(5) PART-TIME TRANSFERS. Part-time transfers for curriculum offerings also may be permitted under this section. The department shall establish procedures for aid computations in such cases.

(6) STATE AIDS. (a) Intradistrict transfer. The school district of attendance of pupils transferring from one attendance area to another under subs. (3) (b) and (4) shall be entitled to:

1. An amount equal to that produced by counting each transfer pupil as one pupil enrolled in computing state aid under ss. 121.07 and 121.08; plus

2. An amount equal to that produced by counting each transfer pupil as .2 pupil enrolled for state aid computation purposes under ss. 121.07 and 121.08.

(b) Interdistrict transfer. 1. If a pupil transfers from one school district to another under sub. (3) (a), the school district of residence shall count each such pupil as one pupil enrolled for state aid computation purposes under ss. 121.07 and 121.08 throughout the period of transfer.

2. If, in any one school year, the number of pupils transferring from one school district to another under sub. (3) (a) constitute less than 5% of the total pupils enrolled in the school district of attendance, the school district of attendance shall receive an amount equal to that produced by multiplying the number of pupils transferred into the district under sub. (3) (a) by the amount produced by dividing the school district's total cost by the sum of the number of resident pupils enrolled, as defined under s. 121.07 (1), plus the number of pupils transferred into the district of attendance under sub. (3) (a).

3. If, in any one school year, the number of pupils transferring from one school district to another under sub. (3) (a) constitute 5% or more of the total pupils enrolled in the school district of attendance, the school district of attendance shall recieve an amount equal to 1.2 multiplied by the amount to which the district

is entitled under subd. 2.

(c) Special applications. If a school district finds that it has incurred costs beyond aids received because of the number of pupils which it has accepted as transfers under this section, it may apply to the department for supplementary aids under this subsection. If the department finds that the school district has incurred costs for which reimbursement has not been made under par. (b) 2 or 3, it shall supplement the state aids paid to the district in an amount equal to the unreimbursed cost.

(d) Aid in lieu of tuition. Aid payments under this section shall be in lieu of tuition payments otherwise required under this subchapter.

(e) Sources of aid payments. State aid for pupils counted under pars. (a) 1 and (b) 1 shall be paid from the appropriation under s. 20.255 (1) (f). Other state aid under this subsection shall be paid from the appropriation under s. 20.255 (1) (fp).

(7) TRANSPORTATION. Transportation shall be provided to pupils transferring schools under this section if required under subch. II. Transportation for a pupil attending a public school under sub. (3) (a) outside the pupil's school district of residence shall be provided pursuant to agreement between the school district of residence and the school district of attendance. Transportation for a pupil attending a public school under sub. (3) (b) outside his or her attendance area of residence may be provided by his or her school district. A school district providing transportation under this subsection shall be paid state and for full costs incurred

therefor from the appropriation under s. 20.255 (1) (fp).

(8) TRANSFERRED PUPILS. Pupils transferring schools under this section shall be subject to the same rules and regulations as resident pupils and shall have the responsibilities, privileges and rights of resident pupils in the school district or attendance area. Subject to this subsection, a pupil transferring schools under either sub. (3) (a) or (b) has the right to complete his or her education at the elementary, middle or high school to which he or she transfers so long as full funding therefor is available under s. 20.255 (1) (fp).

(9) PLANNING COUNCILS. (a) Annually, beginning within 60 days after the effective date of this act (1975), and thereafter on or before October 1, the school board of each school district lying wholly or partially within a county having a population of 500,000 or more shall organize a planning council with the school board of the school district within such county containing a city of the 1st class. Each planning council shall consist of 10 members, 5 members from the school district containing a city of the 1st class and 5 members from the school district which does not contain a city of the 1st class. The representatives of the planning council from each school district shall include, for terms of membership determined by the school board, 3 school board members, the school district administrator and one public member who resides in the school district. In the case of school districts containing a city of the 1st class, the school board may appoint the same persons as representatives to more than one planning council, and the school district administrator

may select a representative to serve in his or her place on any planning council. Within 180 days after its appointment, each planning council shall make a recommendation to its appointing school boards on a cooperative program designed to facilitate transfers under sub. (3) (a) for the ensuing school term to promote cultural and racial integration. The recommendations shall include socio-economic, achievement and other relevant factors for the school boards to consider in permitting pupils to transfer for the purpose of facilitating, so far as possible, a balanced representation of pupils who might transfer under sub. (3) (a). Within 90 days after receiving the recommendation of the planning council, each school board shall determine the extent to which its district will participate in the cooperative program. Upon making its determination, each school board shall disseminate information concerning the cooperative program to pupils and parents and guardians of pupils in the school district. Information shall be disseminated regarding the availability of transfers, the nature of the transportation to be provided, the courses and programs to be available to transfer pupils and any other aspects which the school board determines to be appropriate.

(b) Within 90 days after determining that its district will participate in transfers under this section, the school board of a district not subjec to par. (a) shall make appointments to, and shall organize with other participating school districts, a planning council to make recommendations to facilitate cooperative programs.

(c) The obligation under par. (a) to organize planning councils shall apply only with regard to school terms for which full pupil

transfer aids are appropriated under s. 20.255 (1) (p) and planning council assistance funds are appropriated under s. 20.255 (1) (a).

SECTION 8. 121.91 (5) (c) of the statutes, as created by chapter 39, laws of 1975, is amended to read:

121.91 (5) (c) Prevent the full implementation of a comprehensive plan to eliminate racial imbalance in the school district by a stated date or of special transfer programs under s. 121.85.

SECTION 9. INTERDISTRICT TRANSFER PLAN PREPARATION APPROPRIATION. The appropriation in section 20.255 (1) (a) of the statutes, as affected by the laws of 1975, is increased by $100,000 for the 1976-77 fiscal year for the purpose of providing financial assistance to school boards required to establish planning councils under section 121.85 (9) (a) of the statutes, as created by this act. Of this amount, $50,000 shall be made available to the board of school directors for the city of the 1st class which is subject to section 121.85 (9) (a) and $50,000 shall be made available to the cooperative educational service agency for the affected area for distribution to those other school boards subject thereto.

(End)

APPENDIX 2

The Model Integration Incentive Act

n 1. Classified Groups. Pursuant to regulations ed by the Superintendent of Public Instruction, ntary and secondary school pupils shall be fied into six groups: Asian or Pacific Islander ilipino), Black (not of Hispanic origin), Filipino, anic, American Indian or Alaskan Native, and e (not of Hispanic origin). Students who are bers of the first five classified groups shall be dered minority students for purposes of this ter.

on 2. Intradistrict Integration Bonuses. The rintendent of Public Instruction shall apportion ch school district an intradistrict integration s in the amount of five hundred dollars ($500) ally for each pupil who is not a member of the st classified group attending his or her indial school; provided that the following conditions nct:

) the school district has a pupil concentration of at least 5 percent of two or more of the six classified groups.

) the school district has adopted an integration plan that has been approved by the Integration Division of the Department of Education established under Section 3. Such plan shall contain the following provisions:

(i) the bonus shall be spent in the school in which it is generated;

(ii) the bonus shall be used to assure to each pupil an appropriate integrated educational experience, and in particular to provide for the cultural and linguistic needs of the minority students in the school;

(iii) the professional staff of the school receiving the bonus shall be broadly representative of the groups attending the school or shall have received appropriate training in providing integrated education; and

(iv) each school receiving bonus moneys shall organize a parental advisory body representing the classified groups attending the school. This group may make recommendations concerning the use of bonus moneys.

Provided further that (1) while a school district may develop a plan for only some of its schools, its eligibility for bonus funds shall be limited to those schools included in the plan; and (2) no money shall be apportioned with respect to any pupil whose parent or guardian has not given his informed consent to his placement in a particular school if that school is any other than the school of the appropriate grade level closest to the pupil's home.

Section 3. Extradistrict Integration Bonuses.

(a) For purposes of this section and Section 4.

(1) A qualifying school may be either (i) any public school outside the district of the pupil's residence or (ii) any private school which satisfies the general requirements for private schools in this state.

(2) A qualifying integrated school is a qualifying school whose tuition-paid pupils do not belong to the classified group that is the largest in the school.

(3) A tuition-paid pupil is one whose school district, pursuant to this section, pays his full tuition at a qualifying integrated school.

(b) In order to participate in the program established by this section, school districts and qualifying integrated schools may contract for the purpose of providing pupils with an education in an integrated environment, and pursuant to such contracts, sending school districts shall pay the amount of the full tuition of the qualifying integrated school; provided, however, that (1) in the case of a public qualifying integrated school, the contract shall be made on its behalf by its school district; and (2) for all qualifying integrated schools, the tuition amount shall, within reasonable minimum and maximum distances, include arrangements for and provision of free transportation to and from the school.

(c) A tuition-paid pupil shall be counted as part of the average daily attendance of the school district which contracts for his education at the qualifying integrated school and pursuant to that contract pays the full tuition. A tuition-paid pupil shall count as a pupil of the qualifying school for purpose of group counts within that school but not for purposes of funding under Section 2.

The Superintendent of Public Instruction shall
e apportionments as follows:

) to each qualifying integrated school an extradistrict integration bonus in the amount of five hundred dollars ($500) for each tuition-paid pupil, and

) to each school district contracting out pupils under this Section five hundred dollars ($500) times the number by which the pupils contracted out by the district exceeds the tuition-paid pupils received by the district, provided that no funds for any tuition-paid pupil shall be apportioned unless the following conditions are met with respect to such pupil:

(i) the contract shall occur pursuant to a plan which has been adopted by the sending school district and the receiving school district or private school approved by the Integration Division, which plan shall provide that (A) the receiving school will provide appropriate integrated educational experiences and will provide for the special linquistic and cultural needs of its minority pupils, and (B) if the receiving school has more than 15 tuition-paid pupils, a parental advisory body representative of the tuition-paid pupils shall be organized by the school to make recommendations concerning the use of bonus dollars; and

(ii) the informed consent of the parent or guardian of the contracted pupil has been obtained.

ion 4. Right to Integration. Any pupil who is not a
mber of the largest classified group in his district,
is a member of the largest classified group in his
ool may, through his or her parent or guardian,
uest to be transferred to a public school in his
rict in which he would not be a member of the
est classified group. If such request is not granted,
district, at the request of the parent or guardian
ll be obligated to contract for his education, pur-
nt to Section 3, as a tuition-paid pupil in a quality
integrated school to which he has been accepted
in which he will not be a member of the largest
sified group; provided that his classified group is
portionally smaller in the receiving school than in
sending school; and provided further that his tui-
n is in an amount that does not exceed his
rict's average expenditure per pupil in a compara-
grade.

Section 5. State Responsibility.

(a) A division of the Department of Education to be known as the Integration Division shall be established to administer this chapter. There shall be appropriated $_____ for the use of this Division. The Superintendent of Public Instruction and the Integration Division shall provide to the legislature an annual report and evaluation of the results of the program.

(b) The Division shall have the responsibility of approving integration plans submitted pursuant to this chapter. Any plan which furthers integration, fulfills the requirements of this chapter, and provides for the interests of minority students in each participating school shall be approved by the Division. In determining whether the conditions of this chapter are met, the Integration Division will, whenever possible, give deference to school district innovation and discretion.

(c) In addition to any other appropriations under this chapter, there shall be appropriated _____ dollars to the Division to be awarded to applying school districts (1) as planning grants to be used by the school districts to formulate and organize integration plans subject to Division approval and (2) to fund selected pilot efforts in different forms of integrated educational experiences.

(d) The Superintendent of Public Instruction, with the advice of the Integration Division, shall adopt regulations implementing this chapter, including regulations which shall determine how to deal with school population turnover and any ensuing altered entitlement to bonus funds during the course of a year.

(e) The Superintendent of Public Instruction shall assure through appropriate regulation that school districts inform all families of the opportunities for integrated education available under this chapter and particularly under Section 4. This right to information shall be enforceable by parents in a private cause of action in which there may be awarded monetary damages and attorney fees.

APPENDIX 3

Joseph M. Cronin

HOW THE CHICAGO AREA DESEGREGATED ITS SCHOOLS

The desegregation plan offered here as a "dream" has caused something of a furor in Illinois education and politics, because its author is state superintendent of education. The *Kappan* editors commend it as a rare example of strong education leadership in a sensitive area — and as a recommendation soundly based on progressive legal and social principles.

Last month I had an unusual dream. The year was 1980. A federal judge had ruled in 1978 on a desegregation case affecting not only Chicago but also Cook County and the entire state of Illinois. All were judged guilty of allowing schools to perpetuate racial segregation.

At first, people thought only Chicago would be found guilty. Hundreds of its schools were virtually all black; several dozen were all white. Yes, Chicago was found guilty on these specifics:

1. The Chicago Board of Education in the 1960s had erected hundreds of temporary classrooms on the playgrounds of all-black schools rather than find ways to desegregate the city. Also, Chicago had established a series of schools within racially segregated housing projects.

2. The Chicago board failed to implement the 1967 plan, which would have achieved a certain measure of desegregation. Like the judge in a similar case involving Omaha schools, the Chicago case judge ruled that omission to be a violation of the Civil Rights Act of 1964.

3. Subsequently, the Chicago board had adopted a plan to close down two dozen schools, but in so doing managed to transfer most of the black children from one set of buildings with all-black enrollment to others of similar racial composition.

4. Although several magnet schools were opened in the 1970s, the judge noted that segregation had continued to increase in the city, in part because a comprehensive plan was lacking.

The judge formulated a plan that resembled that of the Charlotte-Mecklenburg decision. Clearly, the city by itself could not achieve all the racial desegregation needed in the schools. It would need help, the judge reasoned.

The judge used the Wilmington, Delaware, precedent to find that the county and state never really implemented the 1947 School District Reorganization Plan, which was put into effect in many down-state counties. He noticed that this left not one but a series of predominantly black school districts in Chicago – Harvey, Hazelcrest, Chicago Heights, Maywood, and Posen-Robbins among others. He also found that some of these school districts lack an adequate financial base to carry on a truly equal program of educational opportunity. Many of these school districts seem deliberately walled off from white suburbs, and he indicated that state and county officials had not assumed sufficient leadership in proposing mergers or consolidations.

In Wilmington the judge had told city and suburbs to get together in developing a comprehensive plan. In a similar St. Louis County, Missouri, case, Judge Meredith had decreed consolidation of two all-white suburbs and one all-black suburb to form one racially integrated school district. The judge in the Chicago case considered other alternatives, such as splitting the Chicago schools into seven pie-shaped wedges reaching out as far as 20 or 25 miles – each wedge containing 25% minority and 75% white. Instead, the judge in the dream called for a township plan with one unit superintendent for each township and from 10,000 to 30,000 students in each of the restructured school districts. Seven of the new township districts were paired with the seven Chicago school districts that were most segregated in housing and schools.

The plan caused much less disturbance in the first year than anyone thought it would. Almost every administrator in the Cook County area secured a job in the newly reorganized units or found a comfortable alternative. Twenty-five others took early retirement and cooperatively opened a Florida condominium with a health spa and golf course on the beach. (What an amazing dream!)

Fifty of the older buildings with predominantly black students in Chicago were closed forever. An equal number of outmoded all-white schools were also closed. Students from the two sets of schools were offered the choice of magnet school programs; most of them got their first choice.

The judge, as I remember the dream, did exempt several areas from the decision. Two were Oak Park and Evanston Township, whose full housing patterns and voluntary school desegregation already met constitutional requirements. Another was Proviso Township, which desegregated the high school and several elementary schools and came into compliance with guidelines established by the State Board of Education in 1978. Also excluded was South Holland, which had desegregated under a prior federal court order. The South Holland district was merged with the rest of the township as part of the new unit district.

The Chicago City Plan itself was bold and creative. It involved:

1. The closing of more than 800 racially segregated temporary classrooms.

2. The abandonment of 70 substandard buildings housing mainly

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minorities or whites.

3. The opening of 15 new magnet high schools, 11 of them with advanced vocational and technical specialties – the brainchild of General Superintendent Joseph Hannon with cooperation from Chicago business – these schools serving an all-city clientele.

4. The opening of 60 new or rehabilitated elementary schools – each of them serving black and white populations, 20 of them with basic skills orientation, 20 with a special focus on science and industry, and 20 with other specialty services.

5. The building of mixed income and multi-ethnic housing and new schools, first in the Chicago renewed Twenty-One area and later in the "born again" South Side, with a massive infusion of HUD funds.

Actually, the number of black children in Chicago schools continued to decline after 1972, mainly because of migration back to the South or to suburbia. This simplified the problems of racial desegregation somewhat. At the same time, the number of multilingual families of other races grew gradually, and 12 of the elementary schools became foreign language magnet schools, each offering at least three modern foreign languages.

At this point, the dream seemed to fade, although I recalled the reaction of key people to the decision.

The judge ordered a council of 30 prominent businessmen and church leaders to offer guidance and advice for the court in the implementation of the decision. He also directed the corporations to co-sponsor the new magnet high school plans and called on the universities to offer assistance in drawing up a new curriculum and teacher training program for quality integrated education. The University of Illinois Circle Campus played a major role – as was expected – when the General Assembly supported the school development. The other suburban school systems began to accrue minority administrators, teachers, and counselors on a desegregated basis, and the universities were expected to cooperate here as well.

The Chicago decision followed closely on the Cleveland decision, the Milwaukee and Second Detroit cases, the Philadelphia and New York cases. In each case the NAACP was either the plaintiff or in support of a group of local plaintiffs. A few citizen groups, along with one of the Chicago newspapers, advocated appeal to a higher court, but the Marshall Field newspapers pointed out that each and every component in the decision had a precedent, in Denver, St. Louis, Charlotte, or Louisville. James Coleman endorsed the metropolitan aspects, as did Meyer Weinberg at Northwestern University. Robert Havighurst and Phillip Hauser at the University of Chicago recalled that they had 16 years ago recommended a much milder set of solutions.

People from Wisconsin looked down the lake and raised the question, "Why didn't you adopt the voluntary metropolitan plan that our legislature enacted in 1976?" Such a program sent minority children across city lines, but with parents volunteering to enroll in the integrated school programs. Some $5 million was spent the first year on quality integrated programs between city and suburbs in Wisconsin. Each suburban school district in Wisconsin was able to decide whether and how much participation made sense. Everyone agreed that voluntary action was preferable to a judge's ordering the suburbs around.

Some Chicago businessmen said that they had talked with their counterparts in other cities and it seemed that this kind of decision was coming. Bill Singer said he was surprised by the decision but agreed with closing the old schools as an economy measure. Jim Redmond wistfully recalled the vocal protest over a much more limited plan in the late 1960s. The new magnet schools attracted national acclaim – and students as far west as Kane and DuPage Counties attended the Marcor School of Technology, the Field School of Merchandising, the Ray Kroc School of Food Service, the Johnson Institute for Communication, the Stevenson-Daley Center for Government Studies, and the Daniel Burnham Center for Urban Planning.

The state legislature enacted new statutes to guarantee state aid to the metropolitan school districts without proration, and the State Board of Education found a way to reduce the number of mandated courses of study. The Illinois High School Association willingly offered to modify the residence rule for athletes to further racial equality and to improve the competitive play between city and suburban high schools.

• • •

All of a sudden beams of the rising sun came in my window – causing me to wonder how *in fact* would Illinois prepare for the rest of the 1970s. □

FOOTNOTES

1. U.S. Commission on Civil Rights. Statement on Metropolitan School Desegregation (Feb. 1977). (hereafter referred to as U.S. Comm.), pp. 7-8.

2. William L. Taylor, "Metropolitan Remedies for Public School Discrimination: The Neglected Option," N.I.E., School Desegregation in Metropolitan Areas: Choices and Prospects (Oct. 1977). (hereafter referred to as N.I.E.), p. 115.

3. U.S. Comm., pp. 22-23.

4. U.S. Comm., pp. 16-17.

5. U.S. Comm., p. 18.

6. U.S. Comm., p. 20.

7. New York Times, April 18, 1978. (The study was limited to discrimination against black americans, and did not include data on discrimination against Hispanic americans or other minority groups.)

8. U.S. Comm., pp. 14-15.

9. Taylor, N.I.E., pp. 118-120.

10. 418 U.S. 717 (1974).

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12. Thomas F. Pettigrew, "The Case for Metropolitan Approaches to Public School Desegregation," unpublished paper prepared for a forthcoming volume by Adam Yarmolinsky and Lance Liebman (eds.), American Academy of Arts and Sciences, p. 12.

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16. U.S. Comm., pp. 45-46.

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29. Daniel U. and Rayna E. Levine, "The Social and Instructional Setting For Metropolitan Integration, " N.I.E., p. 90.

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31. Ibid.

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33. Charles V. Willie, "State and Local Responsibility for Promoting Learning Environments of Equity and Equality: A Conceptual Analysis," unpublished paper prepared for the National Task Force on Desegregation Strategies, Nov. 1, 1978, pp. 20-21.

34. Karl E. Taeuber, "Demographic Perspectives on Metropolitan School Desegregation," N.I.E., p. 11.

35. Pettigrew, p. 14.

36. Orfield, N.I.E., p. 51.

37. Pettigrew, p. 14.

38. Ibid. pp. 13-14.

39. Orfield, N.I.E., pp. 45-47; Taeuber, N.I.E., p. 11.

Footnotes

40. Orfield, N.I.E., p. 46.

41. U.S. Comm., p. 16.

42. Taylor, N.I.E., p. 116; Orfield, N.I.E., p. 46.

43. Orfield, N.I.E., p. 49.

44. 418 U.S. 717 (1974).

45. Taeuber, N.I.E., p. 11.

46. U.S. Comm., pp. 92-93.

47. Evans v. Buchanan, 416 F.Supp. 328 (D. Del. 1976).

48. U.S. v. Board of School Commissioners, Indianapolis, 541 F 2d 1271 (7th Cir. 1975).

49. Newburg Area Council, Inc. v. Board of Education, Jefferson County, 510 F 2d 1358 (6th Cir. 1974), cert. den. 421 U.S. 931 (1975).

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The National Task Force on Desegregation Strategies was appointed in 1977 by Otis R. Bowen, M.D., then Governor of Indiana and Chairperson of the ECS Steering Committee, acting on behalf of ECS and the task force's two other sponsoring agencies, CCSSO and NASBE. The task force is a racially and ethnically diverse group of state and local education officials, community and religious leaders, and nationally respected scholars.

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